

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: EP/108/14/HH

LOCATION: The House on the Bend
15 Sea Lane
East Preston

PROPOSAL: Removal of thatch roof of detached garage & replace with clay roofing tiles.
Resubmission of EP/29/14/

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1000 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling comprises the main boundary treatment along the western and southern boundaries of the site.
SITE CHARACTERISTICS	A two storey property with flint and brick elevations. The roof is pitched with a hipped south-facing end. Single storey extensions are on north and south elevations of the property. The detached garage which forms the subject of this application has flint elevations and a thatched roof and adjoins the southern boundary of the site.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties in the vicinity. A four storey block of flats called Seacroft lies immediately to the east.

RELEVANT SITE HISTORY

EP/29/14/	Removal of thatch roof & replace with clay roofing tiles and incorporate new gable ends to detached garage.	Refused 17-04-2014
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None

REPRESENTATIONS

Representations received:
East Preston Parish Council

No objection.

Objection from East Preston and Kingston Preservation Society.

*The thatched roof is an original feature of the building and contributes significantly to the building's architectural and historic interest. Its removal would detract significantly from the building's appearance and a detrimental effect on the street scene.

*The building directly abuts the road and provides a small reminder of the agricultural past of the village. Replacing the thatched roof with tiles would subvert the purpose of the building on the Local List.

Comments on Representations received:

Comments noted. In response to the East Preston and Kingston Preservation Society, the Historic Building's Advisor has no objection to the replacement of the thatched roof with tiles in the context of the Locally Listed building and the historic associations of the garage.

CONSULTATIONS

Listed Building Officer

Consultations responses received:

Historic Building's Advisor

No objection.

Whilst the loss of the thatch is not ideal with respect to the building's character, the retention of the roof form and the proposal to replace with a good quality tile can be supported in this instance. The retention of the roof profile does allow for thatch to be reinstated in the future should it be desired. Please condition the roof tile which ideally should have a double camber to provide a soft and textured appearance to the roof.

Comments on Consultation responses:

Comments noted. A materials condition will be recommended to secure an appropriate roof tile.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

Building of Special Character / Locally Listed

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN22](#)

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

Built-up Area Boundary
The Form of New Development
Buildings or Structures of Character

D DM1 Aspects of Form and Quality
D SP1 Design
HER DM2 Locally Listed Buildings or Structures of Character
East Preston Village Design Statement

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 which seek to prevent development that would have an adverse impact upon visual and residential amenities and GEN22 where development should not be to the detriment of the appearance and setting of the Building of Special Character.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to remove an existing thatched roof and replacing it with clay roof tiles on a detached garage situated along the southern boundary of the site. The garage is set within the grounds of a locally listed building and abuts Sea Lane where it is considered to be visually prominent within the street scene. It has flint elevations and brick quoins that match the remainder of the south boundary walling. The applicant states that the reason for substituting thatch for tile is due to leakage which is causing internal damp problems in the garage.

The Historic Building's Advisor has no objection to the proposal, subject to conditioning the details of the roof tiles which will be recommended. It is considered that the proposal to replace with a good quality tile can be supported and the retention of the roof profile does allow for thatch to be reinstated in the future should it be desired. The proposed use of tiles will not be to the detriment of the appearance and setting of the Building of Special Character.

It is therefore considered that it is acceptable in design terms and so complies with relevant policies GEN7(ii) and GEN22 of the Arun District Local Plan.

RESIDENTIAL AMENITY

There will be adverse residential effects caused by the proposed tiled roof due to the garage being set at considerable distances away from any residential properties and the omission of a rooflight that was proposed in the previous application EP/29/14.

It is therefore considered to comply with policy GEN7(iv) of the Arun District Local Plan.

It is therefore recommended that the application is approved, subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal, a neutral impact has been identified upon those people with the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Location plan, Block plan, Existing elevations, Proposed elevations and Roof plans all submitted with the application form which is dated 10-07-2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of the roof tile to be used on the detached garage have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the roof.

Reason: To enable the Local Planning Authority to control the development in detail in

the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 5 INFORMATIVE: The applicant is to be made aware of the Historic Building Advisor's comments in recommending that the roof tile should ideally have a double camber to provide a soft and textured appearance to the roof.